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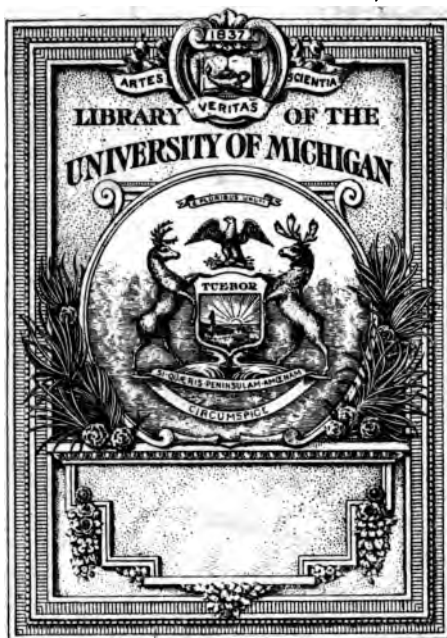
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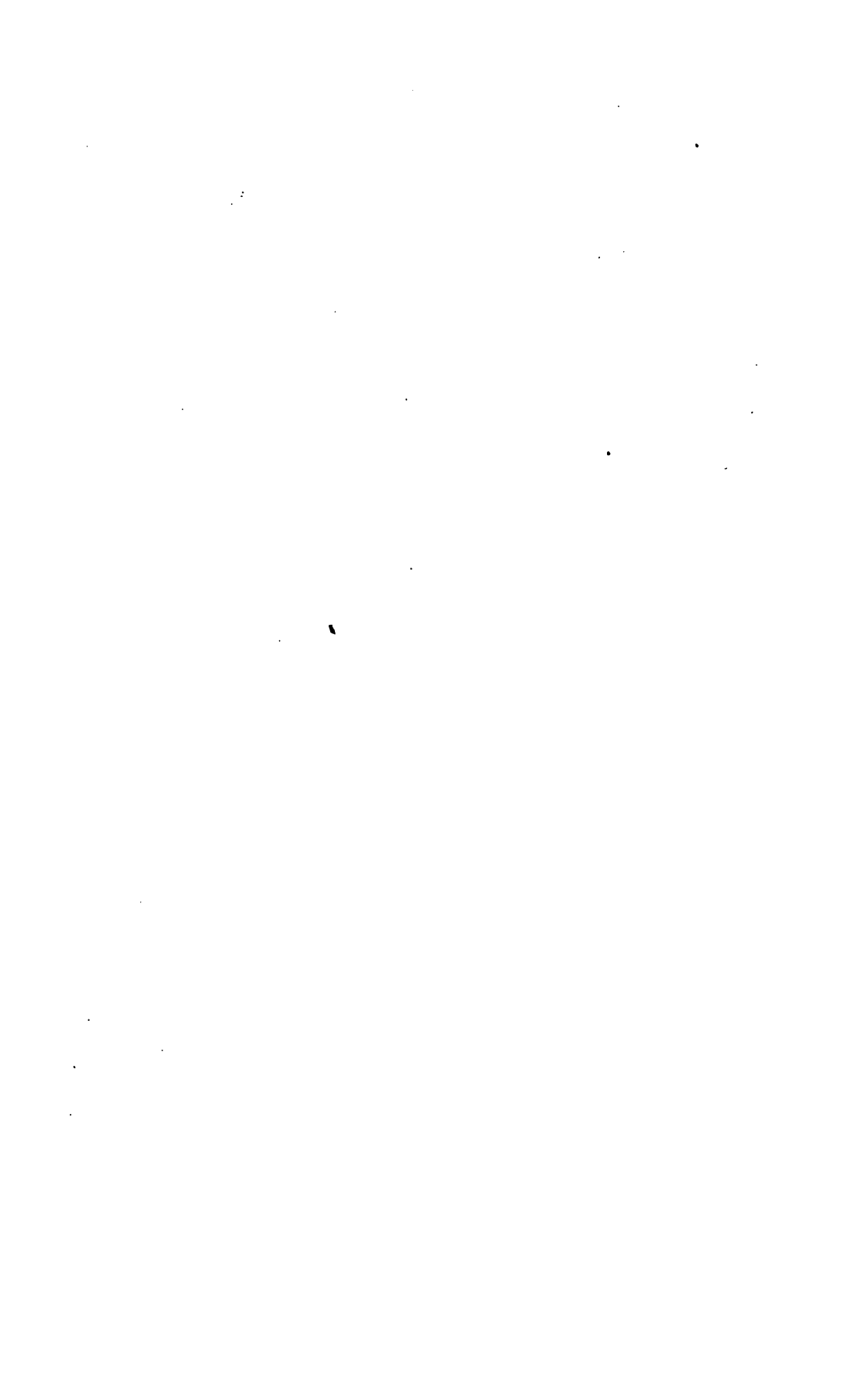
ADDRESS
IN COMMEMORATION OF THE INAUGURATION
OF
GEORGE WASHINGTON
AS
FIRST PRESIDENT OF THE UNITED STATES
DELIVERED BEFORE THE
TWO HOUSES OF CONGRESS DECEMBER 11, 1889
BY
MELVILLE WESTON FULLER, LL.D.
CHIEF JUSTICE OF THE UNITED STATES



THE GIFT OF
J. Herbert Russell

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WASHINGTON
GOVERNMENT PRINTING OFFICE
1890



P R E F A C E .

By the sundry civil appropriation bill of March 2, 1889, it was enacted as follows:

"SEC. 4. That in order that the centennial anniversary of the inauguration of the first President of the United States, George Washington, may be duly commemorated, Tuesday, the thirtieth day of April, anno Domini eighteen hundred and eighty-nine, is hereby declared to be a national holiday throughout the United States. And in further commemoration of this historic event, the two houses of Congress shall assemble in the Hall of the House of Representatives on the second Wednesday of December, anno Domini eighteen hundred and eighty-nine, when suitable ceremonies shall be had under the direction of a joint committee composed of five Senators and five Representatives, members of the Fifty-first Congress, who shall be appointed by the presiding officers of the respective houses. And said joint committee shall have power to sit during the recess of Congress; and it shall be its duty to make arrangements for the celebration in the Hall of the House of Representatives on the second Wednesday of December next, and may invite to be present thereat such officers of the United States and of the respective States of the Union, and (through the Secretary of State) representatives of foreign Governments. The committee shall invite the Chief-Justice of the United States to deliver a suitable address on the occasion. And for the purpose of defraying the expenses of said joint committee and of carrying out the arrangements which it may make, three thousand dollars, or so much thereof as may be necessary." 25 Stat., 980, c. 411, § 4.

This joint committee, as organized, consisted of Mr. HISCOCK of New York, Mr. SHERMAN of Ohio, Mr. HOAR of Massachusetts, Mr. VOORHEES of Indiana, and Mr. EUSTIS of Louisiana, on the part of the Senate; and of Mr. BAYNE of Pennsylvania, Mr. HITT of Illinois, Mr. CARTER of Montana, Mr. CULBERSON of Texas, and Mr. CUMMINGS of New York, on the part of the House of Representatives.

It agreed upon and issued the following as the order of arrangements at the Capitol:

The Capitol will be closed on the morning of the 11th to all except the members and officers of Congress. Invited guests will be admitted by tickets.

At 11 o'clock the east door leading to the Rotunda will be opened to those holding tickets of admission to the floor of the House and its galleries.

Ms. A. 9. 11-30-35

The floor of the House of Representatives will be opened for the admission of Senators and Representatives, and to those having tickets of admission thereto, who will be conducted to the seats assigned to them.

The President and ex-Presidents of the United States will be seated in front and on the right of the Presiding Officer.

The Justices of the Supreme Court will occupy seats next to the President, in front and on the right of the Presiding Officer.

The Cabinet Officers, the Hon. George Bancroft, the General of the Army (retired), the Admiral of the Navy, the Major-General commanding the Army, and the officers of the Army and Navy who, by name, have received the thanks of Congress, will occupy seats directly in rear of the President and Supreme Court.

The Chief-Justice and Judges of the Court of Claims and the Chief-Justice and Associate Justices of the Supreme Court of the District of Columbia will occupy seats directly in rear of the Cabinet.

The Diplomatic Corps will occupy seats in front and on the left of the Presiding Officer.

International American Congress and Marine Conference will occupy seats in rear of the Diplomatic Corps. Cards of admission will be delivered to the Secretary of State.

Ex-Vice-Presidents and Senators will occupy seats in rear of the Judiciary.

Representatives will occupy seats behind the Senators and representatives of foreign Governments.

Commissioners of the District, Governors of States and Territories, and guests invited to the floor, will occupy seats behind the Representatives.

The Executive Gallery will be reserved exclusively for the families of the Supreme Court, the families of the Cabinet, and the invited guests of the President.

The Diplomatic Gallery will be reserved exclusively for the families of the members of the Diplomatic Corps. Cards of admission will be delivered to the Secretary of State.

The Reporters' Gallery will be reserved exclusively for the use of the reporters of the press. Tickets thereto will be delivered to the Press Committee.

The Official Reporters of the Senate and of the House will occupy the Reporters' desk, in front of the Clerk's table.

The Marine Band will occupy the south corridor in rear of the Presiding Officer.

The Diplomatic Corps, International American Congress, and Marine Conference and other foreign guests will assemble in the Marble Room of the Senate; the Judiciary at the Supreme Court Room; the President, ex-Presidents, the Cabinet, and the ex-Vice-Presidents will meet at the President's Room at 12.30 p. m.

The House being in session, and notification to that effect having been given to the Senate, the Vice-President and the Senate in a body, preceded by the President, ex-Presidents, ex-Vice-Presidents, the Cabinet, the Judiciary, the Diplomatic Corps, International American Congress, and Marine Conference will proceed to the Hall of the House of Representatives.

The Vice-President will occupy the Speaker's chair, and will preside.

The Speaker of the House will occupy a seat at the left of the Vice-President.

The other officers of the Senate and of the House will occupy seats on the floor at the right and the left of the Presiding Officer.

The Architect of the Capitol, the Sergeant-at-Arms of the Senate, the Sergeant-at-Arms and the Doorkeeper of the House are charged with the execution of these arrangements.

Accordingly, on the 11th of December, at 1 o'clock p. m., the President of the United States, with the members of his Cabinet and the Chief-Justice and Associate Justices of the Supreme Court, entered the Hall of the House of Representatives and occupied the seats reserved for them in front and on the right of the Presiding Officer.

Next the members of the Senate, following the Vice-President and, and their Secretary, preceded by their Sergeant-at-Arms, entered the Hall and took the seats reserved for them on the right and left of the main aisle.

The Vice-President occupied the Speaker's chair, the Speaker of the House sitting at his left.

The Major-General commanding the Army, the Diplomatic Corps, the International American Congress, and Marine Conference, and the other persons designated in the order of exercises, were seated in accordance with the arrangements of the joint committee.

The Vice-President announced the object of the meeting, and, after prayer by the Chaplain of the Senate, said "an oration will now be delivered by Melville W. Fuller, Chief-Justice of the United States."

At the close of the address a benediction was said by the Chaplain of the House of Representatives. The President of the United States, with the members of his Cabinet, the Supreme Court, the Senate, and the invited guests then retired from the Hall, while the Marine Band played "Washington's Grand March."

ADDRESS.

Mr. President, Mr. Speaker, and gentlemen of the Senate and House of Representatives: By the terms of that section of the act of Congress under which we have assembled in further commemoration of the historic event of the inauguration of the first President of the United States, George Washington, the 30th of April, A. D. 1889, was declared a national holiday, and in the noble city where that event took place its centennial anniversary has been celebrated with a magnificence of speech and song, of multitudinous assembly, and of naval, military, and civic display, accompanied by every manifestation of deep love of country, of profound devotion to its institutions, and of intense appreciation of the virtues and services of that illustrious man whose assumption of the Chief Magistracy gave the assurance of the successful setting in motion of the new Government.

Nothing on the occasion of that celebration could be more full of encouragement and hope than the testimony so overwhelmingly given that Washington still remained first in the hearts of his countrymen, and that the example afforded by his career was still cherished as furnishing that guide of public conduct which had kept and would keep the nation upon the path of glory for itself and of happiness for its people.

The majestic story of that life—whether told in the pages of Marshall or Sparks, of Irving or Bancroft, or through the eloquent utterances of Ames or Webster, or Everett or Winthrop, or the matchless poetry of Lowell, or the verse of Byron—never grows old.

We love to hear again what the great Frederick and Napoleon, what Erskine and Fox and Brougham and Talleyrand and Fontanes and Guizot said of him, and how crape enshrouded the standards of France, and the flags upon the victorious ships of England fell fluttering to half-mast at the tidings of his death.

The passage of the century has not in the slightest degree impaired the irresistible charm ; and whatever doubts or fears assail us in the turmoil of our impetuous national life, that story comes to console and to strengthen, like the shadow of a great rock in a weary land.

Washington had become first in war, not so much by reason of victories over the enemy, though he had won such, or of success in strategy, though that had been his, as of the triumphs of a constancy which no reverse, no hardship, no incompetency, no treachery could shake or overcome.

And because the people comprehended the greatness of their leader and recognized in him an entire absence of personal ambition, an absolute obedience to convictions of duty, an unaffected love of country, of themselves, and of mankind, he had become first in the hearts of his countrymen.

Because thus first, he was to become first in peace, by bringing to the charge of the practical working of the system he had participated in creating, on behalf of the people whose independence he had achieved, the same serene judgment, the same sagacity, the same patience, the same sense of duty, the same far-sighted comprehension of the end to be attained that had marked his career from its beginning.

From the time he assumed command he had given up all idea of accommodation, and believed that there was no middle ground between subjugation and complete independence, and that independence the independence of a nation.

He had demanded national action in respect of the Army; he had urged, but a few weeks after Bunker Hill, the creation of a Federal court with jurisdiction co-extensive with

the colonies; he had during the war repeatedly pressed home his deep conviction of the indispensability of a strong central government, and particularly at its close, in his circular to the governors of the States and his farewell to his comrades. He had advocated the promotion of commercial intercourse with the rising world of the West, so that its people might be bound to those of the sea-board by a chain that could never be broken. Appreciating the vital importance of territorial influences to the political life of a commonwealth, he had approved the cessions by the landed States, none more significant than that by his own, and had made the profound suggestion—which was acted on—of a line of conduct proper to be observed for the government of the citizens of America in their settlement of the Western country, which involved the assertion of the sovereign right of eminent domain. He had advised the commissioners of Virginia and Maryland, in consultation at Mount Vernon in relation to the navigation of the Potomac, to recommend a uniform currency and a uniform system of commercial regulations, and this led to the calling of the conference of commissioners of the thirteen States. At the proper moment he had thrown his immense personal influence in favor of the convention and secured the ratification of the Constitution.

It remained for him to crown his labors by demonstrating in their administration the value of the institutions whose establishment had been so long the object of his desire.

"It is already beyond doubt," wrote Count Moustier, in June, 1789, "that in spite of the asserted beauty of the plan which has been adopted, it would have been necessary to renounce its introduction if the same man who presided over its formation had not been placed at the head of the enterprise. The extreme confidence in his patriotism, his integrity, and his intelligence forms to-day its principal support."

There were obvious difficulties surrounding the first President. Eleven States had ratified, but the assent of some

had been secured only after strenuous exertion, considerable delay, and upon close votes.

So slowly did the new Government get under way that the first Wednesday of March, the day designated for the Senate and House to assemble, came and went, and it was not until the 1st of April that the House obtained a quorum, and not until the 6th that the electoral vote was counted in joint convention.

An opposition so intense and bitter as that which had existed to the adoption of the Constitution could not readily die out, and the antagonisms which lay at its base were as old as human nature.

Jealousies existed between the smaller and the larger, between the agricultural and the commercial, States, and these were rendered the keener by the rivalries of personal ambition.

Those who admired the theories of the French philosophical school and those who preferred the British model could not readily harmonize their differences, while the enthusiastic believers in the capacity of man for self-government denounced the more conservative for doubting the extent of the reliance which could be placed upon it.

The fear of arbitrary power took particular form in reference to the presidential office, which had been fashioned in view of the personal government of George the Third, rather than on the type of monarchy of the English system as it was in principle, and as it is in fact.

And this fear was indulged notwithstanding the frequency of elections, since no restriction as to re-eligibility was imposed upon the incumbent.

But no fear, no jealousy, could be entertained of him who had indignantly repelled the suggestion of the bestowal of kingly power; who had unsheathed the sword with reluctance and laid it down with joy; who had never sought official position, but accepted public office as a public trust, in deference to so unanimous a demand for his services as

to convince him of their necessity; whose patriotism embraced the whole country, the future grandeur of which his prescience foresaw.

Nevertheless, while there could be no personal opposition to the unanimous choice of the people, and while his availability at the crisis was one of those providential blessings which, in other instances, he had so often insisted had been bestowed upon the nation, the fact remained that the situation was full of trial and danger, and demanded the application of the highest order of statesmanship.

Nor are we left to conjecture Washington's feelings in this regard.

Indeed, it may be said that at every period of his public life, though he possessed the talent for silence and did his work generally with closed lips, it is always possible to gather from his remarkable letters the line of his thought upon current affairs, and his inmost hopes, fears, and aspirations as to the public weal.

Take for illustration that in which, on the 9th of January, 1790, little more than eight months after his inauguration, he says:

The establishment of our new Government seemed to be the last great experiment for promoting human happiness by a reasonable compact in civil society. It was to be, in the first instance, in a considerable degree a government of accommodation as well as a government of laws. Much was to be done by prudence, much by conciliation, much by firmness. Few, who are not philosophical spectators, can realize the difficult and delicate part which a man in my situation had to act. All see and most admire the glare which hovers round the external happiness of elevated office. To me there is nothing in it beyond the luster which may be reflected from its connection with a power of promoting human felicity. In our progress towards political happiness my station is new, and, if I may use the expression, I walk on untrodden ground. There is scarcely an action the motive of which may not be subject to a double interpretation. There is scarcely any part of my conduct which may not hereafter be drawn into precedent. If, after all my honorable and

faithful endeavors to advance the felicity of my country and mankind, I may indulge a hope that my labors have not been altogether without success, it will be the only compensation I can receive in the closing scenes of life.

Here he admits with a certain suppressed sadness that he realizes that private life has ceased to exist for him, and that from his previous participation in public affairs, the exalted character of the new office, and the fact that he is the first to fill it, his every act and word thereafter may be referred to in guidance or control of others, and as bearing upon the nature of the Government of which he was the head. It is borne in upon him that in this instance, in a greater degree than ever before, his conduct is to become an historical example. Questions of etiquette, questions pertaining to his daily life, unimportant in themselves, cease to be so under the new conditions, and this interruption of the domestic tenor of his way, to which he was of choice and ardently attached, finds no compensation in the gratification of a morbid hunger and thirst for applause, whether of the few or of the many.

But in the consciousness of having contributed to the advancement of the felicity of his country and of mankind lies the true reward for these renewed labors.

The promotion of human happiness was the key-note of the century within which Washington's life was comprised.

It was the century of Franklin and Turgot; of Montesquieu and Voltaire and Rousseau; of Frederick the Great and Joseph the Second; of Pitt and Fox and Burke and Grattan; of Burns and Cowper and Gray; of Goethe and Kant; of Priestly and Hume and Adam Smith; of Wesley and Whitefield and Howard, as well as of the long line of statesmen and soldiers, and voyagers over every sea; of poets and artists and essayists and encyclopædists and romancers, which adorned it.

It was the century of men like Condorcet, who, outlawed and condemned by a revolutionary tribunal, the outcome of

popular excesses, calmly sat down, in hiding, to compose his work upon the progress of the human mind.

It was a century instinct with the recognition of the human soul in every human being, and alive with aspirations for universal brotherhood.

With this general longing for the elevation of mankind Washington sympathized, and in expressing a hearty desire for the rooting out of slavery considered it not only essential to the perpetuation of the Union, but desirable on the score of human dignity. Nevertheless, with the calm reason in reference to government of the race from which he sprang, he regarded the promotion of human happiness as to be best secured by a reasonable compact in civil society, and that established by the Federal Constitution as the last great experiment to that end.

Washington and his colleagues were familiar with prior forms of government and their operation, and with the speculations of the writers upon that subject. They were conversant with the course of the Revolution of 1688, the then triumph of public opinion, and the literature of that period. They accepted the thesis of Locke that, as the true end of government is the mutual preservation of the lives, liberties, and estates of the people, a government which invades these rights is guilty of a breach of trust, and can lawfully be set aside; and they were persuaded of the soundness of the views of Montesquieu, that the distribution of powers is necessary to political liberty, which can only exist when power is not abused, and in order that power may not be abused it must be so distributed that power shall check power.

It is only necessary to consult the pages of the *Federalist*—that incomparable work on the principles of free government—to understand the acquaintance of American statesmen with preceding governmental systems, ancient and modern, and to comprehend that the Constitution was the result, not of a desire for novelty, but of the effort to

gather the fruit of that growth which, having its roots in the past, could yield in the present and give promise for the future.

The colonists possessed practically a common nationality, and took by inheritance certain fundamental ideas upon the development of which their growth had proceeded. Self-government by local subdivisions, a legislative body of two houses, an executive head, a distinctive judiciary, constituted the governmental methods.

Magna Charta, the Petition and Declaration of Rights, the habeas corpus act, the act of settlement, all the muniments of English liberty, were theirs, and the New England Confederation of 1643, the schemes of union of 1754 and 1765, the revolutionary Congress, the Articles of Confederation, the colonial charters and constitutions, furnished a vast treasury of experience upon which they drew.

Their work in relation to what had gone before was in truth but in maintenance of that continuity of which Hooker speaks: "We were then alive in our predecessors and they in their successors do live still." They did not seek to build upon the ruins of older institutions, but to develop from them a nobler, broader, and more lasting structure, and in effecting this upon so vast a scale and under conditions so widely different from the past, the immortal instrument was indeed the product of consummate statesmanship.

Of the future greatness of the new nation Washington had no doubt. He saw, as if face to face, that continental domain which glimmered to others as through a glass darkly.

The great West was no sealed book to him, and no one knew better than he that no foreign power could long control the flow of the Father of Waters to the Gulf.

He is said to have lacked imagination, and if the exhilaration of the poet, the mystic, or the seer is meant, this may be true.

His mind was not given to indulgence in dreams of ideal commonwealths like the republic of Plato or of Cicero, the City of God of Augustine, or the Utopia of Sir Thomas

More, but it grasped the mighty fact of the empire of the future, and acted in obedience to the heavenly vision.

But the question was, could that empire be realized and controlled by the people within its vast boundaries in the exercise of self-government?

Could the conception of a central government, operating directly upon citizens who at the same time were subject to the jurisdiction of their several States, be carried into practical working operation so as to reconcile imperial sway with local independence?

Would a scheme work which was partly national and partly federal, and which aimed at unity as well as union?

And could the rule of the majority be subjected with binding force to such restraints through a system by representation, that of a republic rather than that of a pure democracy, that the violence of faction could not operate in the long run to defeat a common government by the many throughout so immense an area?

Could the restraints essential to the preservation of society, the equilibrium between progress and order, be so guarded as to allow of that sober second thought which would secure their observance, and thus the liberty and happiness of the people and the enduring progress of humanity?

While the general genius of the Government was thoroughly permeated with the ideas of freedom in obedience, yet time was needed to commend the form in which it was for the future to exert itself.

Hence administration in the first instance required accommodation as well as adherence to the letter, and prudence and conciliation as well as firmness.

The Cabinet of the first President illustrates his sense of the nature of the exigency.

All its members were friends and supporters of the Constitution, but possessed of widely different views as to the scope of its powers and the probabilities of its successful operation in the shape it then bore.

Between Jefferson and Hamilton there seemed to be a great gulf fixed, yet a common patriotism bridged it, and a common purpose enabled them for these critical years to act together. And this was rendered possible by the fact that the leadership of Washington afforded a common ground upon which every lover of a united country could stand. And as the first four years were nearing their close, Hamilton and Jefferson severally urged Washington to consent to remain at the helm for four years longer, that the Government might acquire additional firmness and strength before being subjected to the strain of the contention of parties.

Undoubtedly Hamilton desired this also because of nearer coincidence of thought on some questions involving serious difference of opinion, but both concurred in urging it upon the ground that the confidence of the whole Union was centered in Washington, and his being at the helm would be more than an answer to every argument which could be used to alarm and lead the people in any quarter into violence or secession.

Appointments to the Supreme Bench involved less reason for accommodation, but equal prudence and sagacity.

The great part which that tribunal was to play in the development of our institutions was yet to come, but the importance of that branch of the Government to which was committed the ultimate interpretation of the Constitution was appreciated by Washington, who characterized it as the keystone of the political fabric.

To the headship of the court Washington called the pure and great-minded Jay, of New York, and associated with him John Rutledge, of South Carolina, who, from the stamp-act Congress of 1765, had borne a conspicuous part in the history of the country and of his State; James Wilson, of Pennsylvania, who, like Rutledge, had been prominent in the Continental Congress and in the Federal Convention, a signer of the Declaration of Independence, and one of the most forcible, acute, and learned debaters on behalf of the

Constitution, as the records of the Federal and his State conventions show ; Cushing, chief-justice of Massachusetts, experienced in judicial station, and the only person holding office under the Crown who adhered to his country in the Revolution ; Harrison, of Maryland, Washington's well-known secretary ; Blair, of Virginia, a judge of its court of appeals, and one of Washington's fellow-members in the convention ; and in place of Rutledge and Harrison, who preferred the highest judicial positions in their own States, Thomas Johnson, of Maryland, and James Iredell, of North Carolina.

It will be perceived that the distribution was made with tact, and the selections with consummate wisdom.

The part the appointees had taken in the cause of the country, and especially in laying the foundations of the political edifice, their eminent qualifications and recognized integrity, commended the court to the confidence of the people, and gave assurance that this great department would be so administered as to effectuate the purposes for which it had been created.

As to appointments generally, he did not recognize the rule of party rewards for party work, although, when party opposition became clearly defined, he wrote Pickering that to "bring a man into any office of consequence, knowingly, whose political tenets are adverse to the measures which the General Government is pursuing," would be, in his opinion, "a sort of political suicide." To integrity and capacity, as qualifications for high civil office, he added that of "marked eminence before the country, not only as the more likely to be serviceable, but because the public will more readily trust them." As in appointments, so in the conduct of affairs, prudence, conciliation, and accommodation carried the experiment successfully along, while firmness in essentials was equally present, as when, at a later day, the suppression of the whisky rebellion and the maintenance of

neutrality in the war between France and England gave information at home that there existed a central Government strong enough to suppress domestic insurrection, and abroad that a new and self-reliant power had been born into the family of nations.

The course taken in all matters, whether great or small, was the result of careful consideration and the exercise of deliberate judgment as to the effect of what was done, or forborne to be done, upon the success of the newly constructed fabric. Thus, the regulation of official behavior was deemed a matter of such consequence that Adams, Jay, Hamilton, and Madison were consulted upon it; for although republican simplicity had been substituted for monarchy and titles, and was held inconsistent with concession of superiority by reason of occupancy of official station, yet the transition could not be violently made, and the people were, in any event, entitled to expect their agents to sustain with dignity the high positions to which they had been called.

During the entire Presidency of Washington, upon the details of which it is impracticable here to dwell, time for solidification was the dominant thought. The infant giant could defend himself even in his cradle; but to become the Colossus of Washington's hopes, the gristle must have opportunity to harden.

After more than seven years of devotion to the interests committed to his charge, and intense watchfulness over the adjustment and working of the machinery of the new system, having determined upon his own retirement, thereby practically assigning a limit to the period during which the office could with propriety be occupied by his successors, still regarding the problem as not solved, and still anxiously desiring to contribute to the last to the welfare of the constant object of his veneration and love, he gives to his countrymen in the farewell of "an old and affectionate friend" the results of his observations and of his reflections on the operation of the great scheme he had assisted in

creating and had so far commended to the people by his administration of its provisions.

Punctilious as he was in official observances, and dear as his home and his own State were to him, this address was one that rose above home, and State, and official place; that brought him near, not simply to the people to whom it was immediately directed, but to that great coming multitude whom no man could number, and towards which he felt the pathetic attachment of a noble and prophetic soul. And so he dates it, not from Mount Vernon nor from his official residence, but from the "United States."

Hamilton, Madison, and Jay had, in the series of essays in advocacy of the Constitution, largely aided in bringing about its ratification, and displayed wonderful comprehensiveness of view, depth of wisdom, and sagacity of reflection in their treatment of the topics involved. Throughout Washington's administration they had to the utmost assisted in the successful carrying on of the Government, in the Cabinet, in Congress, upon the bench, or in diplomatic station, and to them as tried and true friends and men of a statesmanship as broad as the country, Washington turned at one time and another for advice in the preparation of these closing words.

Notwithstanding that innate modesty which had always induced a certain real diffidence in assuming station, he was conscious of his position as founder of the state; he felt that every utterance in this closing benediction would be cherished by coming generations as disinterested advice, based on experience and knowledge and illuminated by the sincerest affection, and he invited the careful scrutiny of his friends that it might "be handed to the public in an honest, unaffected, simple garb." But the work was his own, as all his work was. The virtue went out of him, even when he used the hand of another.

If we turn to this remarkable document and compare the line of conduct therein recommended with the course of

events during the century—the advice given with the results of experience—we are amazed at the wonderful sagacity and precision with which it lays down the general principles through whose application the safety and prosperity of the Republic have been secured. To cherish the public credit and promote religion, morality, and education were obvious recommendations. Economy in public expense, vigorous exertion to discharge debt unavoidably occasioned, acquiescence in necessary taxation, and candid construction of governmental action in the selection of its proper objects, were all parts of the first of these. The increase of net ordinary expenditures from three millions to two hundred and sixty-eight millions of dollars, and of net ordinary receipts from four and one-half to three hundred and eighty millions of dollars, renders the practice of economy, as contradistinguished from wastefulness, as commendable to-day as then, but it must be a judicious economy; for, as Washington said, timely disbursements frequently prevent much larger.

The extinction of the public debt at one time, and the marvelous reduction within a quarter of a century of its creation of a later public debt of more than twenty-five hundred millions of dollars, demonstrate practical adherence to the rule laid down. It is true that the great material prosperity which has attended our growth has enabled us to meet an enormous burden of taxation with comparative ease, but it is nevertheless also true that the general judgment has never wavered upon the question of the sacred observance of plighted faith; and if at any moment the removal of the bars designed to imprison the powerful giant of a paper currency seemed to imperil the preservation of the public honor, the sturdy common sense of the people has checked through their representatives the dangerous tendency before it has gone too far.

Education was one of the two hooks (the other was local self-government) upon which the continuance of republican government was considered as absolutely hanging.

The action of the Continental Congress in respect to the Western territory was next in importance to that on independence and union. Apart from its political significance we recall the familiar fact that one section out of every township was reserved under the ordinances of 1785 and 1787 for the maintenance of schools, because religion, morality, and knowledge were considered essential to good government and the happiness of mankind. The one section has been made two, and many millions of acres have been granted for the endowment of universities, of normal, scientific, and mining schools, and institutions for the benefit of agriculture and the mechanic arts, including from three hundred and fifty to four hundred and fifty thousand acres for educational and charitable institutions, to each of the new States recently admitted, by an act appropriately passed into law on the birthday of Washington. A thousand universities, colleges, and institutions of learning, twelve millions of children attending two hundred thousand public schools, with three hundred and sixty thousand teachers, at an expenditure of one hundred and twenty-five millions, and with property worth two hundred millions, and sixty-two million dollars in private benefactions for education in the decade of the last census, testify that the importance of education is not underestimated in a country whose institutions are dependent upon the intelligence of the people.

Washington insists that national morality can not prevail in exclusion of religious principle, though the influence of refined education on minds of a peculiar structure may have induced an opposite conclusion.

History accords with this view. Plutarch said, "You may travel over the world and you may find cities without walls, without king, without mint, without theater or gymnasium, but you will never find a city without God, without prayer, without oracle, without sacrifice;" and the eighteen centuries since his day confirm the truth of his words.

"Take from me," said Bismarck, "my faith in a divine order which has destined this German nation for something good and great, and you take from me my fatherland."

Washington declares that "the mere politician, equally with the pious man, ought to respect and cherish religion and morality as the firmest props of the duties of men and citizens." He did not mean that the value of trust and faith has no relation to the reality of the objects of that trust and faith, nor that those to whom he referred should indulge in religious observances as mere mummeries to deceive, while smiling among themselves, as Cicero with his fellow-augurs, nor that faith should be betrayed by accommodation to superstition, as in the action of the town clerk of Ephesus, but he demanded that they should recognize in fact the indispensability of these supports of political prosperity.

And here again the answer of the century's watchman tells that the night is passing.

Crime, drunkenness, pauperism have steadily decreased in proportion as population has increased; philanthropic agencies have multiplied, moral sensitiveness has become keener, and higher standards of personal and official conduct have come to be required, while at the same time the statistics of religious progress exhibit wonderful and most gratifying results.

Washington had never permitted his public action to be influenced by personal affection or personal hostility, and in urging the avoidance of political connections or personal alliances with any portion of the foreign world, he characteristically condemned indulgence in an inveterate antipathy towards particular nations and a passionate attachment for others, while observing good faith and justice towards all. No reason existed for becoming implicated in the ordinary vicissitudes of the politics of Europe, or the ordinary combinations and collisions of her friendships or enmities. Intervention meant war, not arbitration; the assumption of obligation meant force, not words. No field was to be

opened here for foreign intrigues, and no necessity created here for standing armies and the domination of the civil by the military authority.

So scrupulous was Washington's abstinence from the slightest appearance of interference that, notwithstanding his tender friendship for La Fayette, he would not make official application for his release from Olmutz. So absolute was his conviction that this country must not become a make-weight in Europe's balances of power that he sternly held it to neutrality under circumstances which would have rendered it impossible for any other man to do so. Such has been the policy unchangeably pursued, but it has not required the concealment of our sympathy with all who have wished to put American institutional ideas into practical operation, or our confidence in their ultimate prevalence. Nor has the rule prevented the Republic from the declaration that it should take its own course in case of the interference by other nations with the primary interests of America.

In the lapse of years international relations have been constantly assuming larger importance with the growth of the country and the world and the increasing nearness of intercommunication. We are justified in claiming that the delicate and difficult function of government involved has been from the first discharged in so admirable a manner that the solution of the grave questions of the future may be awaited without anxiety.

It is matter of congratulation that the first year of our second century witnesses the representatives of the three Americas engaged in the effort to increase the facilities of commercial intercourse, "consulting the natural course of things, diffusing and diversifying by gentle means the streams of intercourse, but forcing nothing," success in which must knit closer the ties of fraternal friendship, and bring the peoples of the two American continents into harmonious control of the hemisphere.

The course of events has equally shown the profound wisdom of the propositions of the Farewell Address bearing directly on the form of government delineated in the Federal Constitution.

First of these is the necessity of the preservation of the distribution of powers and of resistance to any encroachment by one department upon another.

The executive power was vested in the President, but he had a voting power in the right to veto, and the power of initiation as to treaties, which became binding with the advice and consent of the Senate.

The interposition of the latter was also permitted by the requisition of assent in the confirmation of appointments, and it could sit in judgment on the President if articles of impeachment were presented. In some particulars, therefore, the two departments approached each other in the exercise of functions appropriate to each.

This made it all the more important that there should be no invasion of the one by the other. No effort to diminish the executive authority or to interfere with the exercise of its legitimate discretion has commanded the support of the public voice, and impeachment has not been considered a proper resort to reconcile differences of judgment, however serious.

The right to initiate and to pass laws having been lodged in Congress, the balance of power was actually there reposed, and the danger of encroachment would naturally present itself from that quarter.

And here the Federal judiciary was interposed as a co-ordinate department, with power to determine when the limitations of the fundamental law were transgressed. Without an exact precedent, the creation of a tribunal possessed of that power was the natural result of the existence of a written constitution; for to leave to the instrumentalities by which governmental power is exercised the determination of boundaries upon it would dispense with them altogether.

In England the executive and legislative powers are practically vested in Parliament and exercised by the Cabinet, which amounts to a committee of the Commons, acting with the additional power which secret agreement on a given course imparts. The constitution is what Parliament makes it, and the judicial tribunals only interpret and apply the action of that body, being necessarily destitute of the power to hold such action void by reference to any higher law than its own enactments.

Not so with us. Every act of Congress, every act of the State legislatures, every part of the constitution of any State, if repugnant to the Constitution of the United States, is void, and to be so treated. The Supreme Court, by the decision of cases in which such acts or provisions are drawn in question and in the exercise of judicial functions, renders the Constitution in reality as well as in name the supreme law of the land.

Its judgments command the assent of Congress and the Executive, the States and the people, alike, and it is this unique arbitrament that has challenged the admiration of the world.

The court can not be abolished by Congress, but the number of its judges may be increased, or diminished on the occurrence of vacancies, and so, while its jurisdiction can not be impaired, the exercise of it may be curtailed.

Nevertheless, no legislation to control it in any way has ever been approved by definite public opinion, and the tribunal remains in the complete discharge of the vital and important functions it was created to perform.

Scrupulously abstaining from the decision of strictly political questions and from the performance of other than judicial duties; never grasping an ungranted jurisdiction and never shrinking from the exercise of that conferred upon it, it commands the reverence of a law-abiding people.

Again, Washington urges not only that his countrymen shall steadily discountenance irregular opposition to the ac-

knowledgeed authority of the Government, and resist with care the spirit of innovation upon its principles, but shall oppose any change in the system except by amendment in the mode provided, particularly warning them, as fearful of objection to the pressure of the Government, that the energy of the scheme must not be impaired, as vigor is not only required to manage the common interests throughout so extensive a country, but is necessary to protect liberty itself.

In no part of the Constitution was greater sagacity displayed than in the provision for its amendment. No State, without its consent, could be deprived of its equal suffrage in the Senate, but otherwise (with an exception now immaterial) the instrument might be amended upon the concurrence of two-thirds of both houses and the ratification of the legislatures or conventions of three-fourths of the several States, or through a Federal convention, when applied for by the legislatures of two-thirds of the States, and upon like ratification.

It was designed that the ultimate sovereignty thus reposed should not be called into play, except through this slow and deliberate process, which would give time for mere hypothesis and opinion to exhaust themselves, and the conclusion reached to be the result of gravity of thought and judgment, and of the concurrence of substantially every part of the country.

The first ten amendments hardly come within the application of the principle, as they were in substance requested by many of the States at the time of ratification. In the Pennsylvania convention, James Wilson declared that the subject of a bill of rights was not mentioned in the constitutional convention until within three days of its adjournment, and even then no direct motion upon the subject was offered, and that such a bill was entirely unnecessary in a government having none but enumerated powers; but Jefferson urged from Paris that a bill of rights was "what the people are entitled to against every government on earth,

general or particular," and that one ought to be added, "providing clearly and without the aid of sophism, for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury in all matters of fact triable by the laws of the land, and not by the laws of nations." This view prevailed, but in order that the affirmance of certain rights might not disparage others or lead to implications in favor of the possession of other powers, it was added that the enumeration of certain rights should not be construed to deny or disparage others retained by the people, and that the powers not delegated were reserved.

Congress, in the preamble to these amendments, and Washington, in his inaugural, commend their adoption out of regard for the public harmony and a reference for the characteristic rights of freemen.

The eleventh inhibited the extension by construction, in the particular named, of the Federal judicial power, and the twelfth related to matters of detail in the election of President and Vice-President. No one of the twelve was in restraint of State action.

Sixty years elapsed before the ratification of the thirteenth, fourteenth, and fifteenth amendments. These definitely disposed of the subject of slavery, that Serbonian bog 'twixt the extreme views of the two schools of political thought dividing the country—views which, except for the existence of that institution, might never have been pushed to an extreme, but might have continued peacefully to operate in the production of a golden mean between the absorption of power by the central and its diffusion among the local governments. And by the fourteenth an additional guaranty was furnished against the arbitrary exercise by the States of the powers of government, unrestrained by the established principles of private rights and distributive justice.

Undoubtedly the effect of these later amendments was

to increase the power of Congress, but there was no revolutionary change. It is as true of the existing government as it was of the proposed government, that it must stand or fall with the State governments.

Added provisions for the protection of personal rights involved to that extent additional powers, but the essential elements of the structure remained unchanged.

In other words, while certain obstructions to its working have been removed, the clock-work has not been thrown out of gear, but the pendulum continues to swing through its appointed arc and the vast machinery to move noiselessly and easily to and fro, marking the orderly progress of a great people in the achievement of happiness by the exercise of self-government.

But while direct alterations have been few, the fundamental law has been developed in the evolution of national growth, as Washington, indeed, anticipated. "Time and habit," said he, "are at least as necessary to fix the true character of government as of other human institutions;" and "experience is the surest standard by which to fix the real tendency of the existing constitution of a country."

In this he applies the language of Hume, and speaks in the spirit of the observation of Bacon, that "rightly is truth called the daughter of time, not of authority."

Time, habit, experience, legislation, usage may have assisted in expanding the Constitution in the quiet, imperceptible manner in which nature adapts itself to new conditions, though remaining still the same.

Yet its chief growth is to be found in the interpretation of its provisions by the tribunal upon which that delicate and responsible duty was imposed. And in that view what "a debt immense of endless gratitude" is owed to those luminous decisions of John Marshall, which placed the principles of the Constitution upon an impregnable basis and rendered an experimental system permanent.

Renowned and venerable name! It was he who liberated

the spirit which lived within the Constitution—the mind infused “through every member of the mighty mass”—so that it might “pervade, sustain, and actuate the whole.”

The fact that the conclusions reached by the court and set forth by the persuasive and logical reasoning of the great Chief-Justice did not at the moment move in the direction of public opinion, but finally met with the entire approval of the matured judgment of the people, furnishes an impressive illustration of the working of our system of government.

Doubtless, in many instances, the Constitution has been subjected to strains which have tested its elasticity without breaking the texture, but the watchfulness of party has aided to keep the balance true, absolute infraction has been deprecated or denied, and a law-loving and law-abiding people has welcomed the rebound which restored the rigid outline and even tenor of its way.

The departing statesman dwells with insistence, on the grounds both of interest and sensibility, upon the paramount importance of the Union and of that unity of government which makes of those who live under it one people and one nation, and will, he hopes, induce all its citizens, whether by birth or choice, to glory in the name “American.”

Here, the ideal which influenced his conduct may be read between the lines—the ideal of a powerful and harmonious people, possessed of freedom because capable of self-restraint, and working out the destinies of an ocean-bound republic, whose example should be a message of glad tidings to all the earth.

And the realization of that ideal involved a patriotism not based upon the dictates of interest, but springing from devotion of the heart, and pride in the object of that devotion.

What Washington desired, as Lodge's fine biography makes entirely clear, was, that the people should become saturated with the principles of national unity and love of country, should possess an “American character,” should

never forget that they were "Americans." Hence he opposed education abroad, lest our youth might contract principles unfriendly to republican government; and discouraged immigration except of those who, by "an intermixture with our people," could themselves, or their descendants, "get assimilated to our customs, measures, and laws; in a word, soon become one people."

To be an American was to be part and parcel of American ideas, institutions, prosperity, and progress. It was to be like-minded with the patriotic leaders who have served the cause of their native or adopted land, from Washington to Lincoln. It was to be convinced of the virtues of republican government as the bulwark of the true and genuine liberties of mankind, which would ultimately transmute suffering through ignorance into happiness through light.

Who would not glory in the name American, when it carries with it such illustrative types as Washington, and Franklin, and Samuel Adams, and Jefferson, and such a type as Lincoln, whose very faults were American, as were the virtues of his sad and heroic soul?

As the lust for domination is in perpetual conflict with the longing to be free, so the tendency to concentration struggles perpetually with the tendency to diffuse.

It is in the maintenance of the equilibrium that the largest liberty consistent with the greatest progress has been found. And this is as true between the States and the Federal Government as between the individual and the State.

But while the play of the two forces is a natural one, the gravitation is to the center, with human nature as it is.

The passage of the century, with the vast material development of the country, has brought this strikingly home to us in the increased importance of the Federal Government in prestige and power, as compared with that of the State governments in the time of Washington. Position on the Supreme Bench or Cabinet place might still be declined for personal reasons, but not because of preference for the head-

ship of a State government, or of a State tribunal, and no punctilio would cause the governor of to-day to hesitate upon a question of official etiquette when the President visits a State capital.

Rapidity and ease of communication by railroad, telegraph, and post; the handling of the vast income and expenditure of the Federal Treasury, and the knitting together of the innumerable ties of family, social, and business relations have created a solidarity which demands, in the regulation of commerce, the management of financial affairs, and the like, the interposition of Federal authority. The national banking system, the Interstate Commerce Commission, the Agricultural Department, the Labor and Educational Bureaus, the National Board of Health, indicate the drift toward the exertion of the national will, a natural and perhaps inevitable result of that unity which formed the object of Washington's desire.

But what he wished was solidarity without centralization in destruction of local regulation, for it must not be assumed that he did not realize the vital importance of the preservation of local self-government through the States. To realize its great destiny the country must oppose externally a consolidated front and contain within itself a single people only; but popular government must be preserved, and the doubt was whether a common government of the popular form could embrace so large a sphere.

Hence the earnestness with which Washington invoked the spirit of essential unity through pride and affection to move upon the face of the waters. When the new political world had fairly taken form and substance other considerations would resume their due importance. He was profoundly disturbed by the apprehension that different portions of the population might become, through contradictory interests, in effect rival peoples, and the Union be destroyed by the contention for mastery between them. His sagacious mind perceived the danger arising from the social and eco-

conomic condition produced by an institution with which the framers of the Constitution had found themselves unable to deal, and he deprecated an appeal to the last reason of kings in preservation of one government over our whole domain.

Yet that appeal was fortunately so long delayed that when it came the civil war determined the perpetuity and indissolubility of the Union, without the loss of distinct and individual existence or of the right of self-government by the States.

This conflict demonstrated that no part of the country was destitute of that old fighting spirit, which rouses at the invocation of force through arms, and which long years of prosperity could not weaken or destroy, and, at the same time, that gigantic armies drawn from the ranks of a citizen soldiery, however skilled they may become in the arts of war, on the cessation of hostilities at once resume the normal cultivation of the arts of peace.

And from an apparent invasion of the carefully constructed scheme to secure popular government, popular government has obtained a wider scope and renewed power, and from an apparent industrial overthrow has come an unexampled industrial development. "Out of the eater came forth meat, and out of the strong came forth sweetness."

The waste of war is always rapidly replaced, and in its effect on institutions time may repair its injuries without weakening its benefits.

Is it possible to conceive of a more searching test of the wisdom and lasting quality of our form of government than that applied by the civil war? Is it possible to conceive of a more convincing demonstration than the reconciliation which has followed the conclusion of the struggle, and the complete re-instatement of the system in harmonious operation over the entire national domain? No conquered provinces perpetuated personal animosities, and by the fact of their existence, through despotic rule over part, changed

the government over all. On the contrary, the States, vital parts of the system, and in whose annihilation the system perishes, resumed the relations temporarily suspended, and the continuance of local self-government on its accustomed course prevented the old connection from carrying with it the bitterness of enforced change. It was the triumph of the machinery that its practical working so speedily assumed its normal movement, substantially uninjured by the convulsion that had shaken it.

And as the wheels within the wheels revolve, the aspiration finds a response in every heart: "Come from the four winds, O breath, and breathe upon these slain that they may live"—live with their reunited brethren, one in the hand of God.

Finally, the country is warned against the baleful effects of the spirit of party as the worst enemy of governments of the popular form.

Franklin wrote that all great affairs are carried on by parties, but that as soon as a party has gained its general point each member becomes intent upon his particular interest; that few in public affairs act from a mere view of the good of their country, and fewer still with a view to the good of mankind. But these observations would, in the light of the history of our country, be regarded as too sweeping, although they suggest grounds for the objection of Washington to the domination of party spirit.

Parties based on different opinions as to the principles on which the Government is to be conducted must necessarily exist. To them we look for that activity in the advocacy of opposing views; that watchfulness over the assertion of authority; that keen debate as to the course most conducive to well-being, essential to the successful growth of popular institutions. That voice of the people which, when duly given and properly ascertained, directs the action of the state is largely brought to declare itself through the instru-

mentality of party. It is this which corrects that general apathy rightly regarded by De Tocqueville as a serious menace to popular government because conducive to its complete surrender to the domination of its agents if they will but relieve responsibility and gratify desire. But if the spirit of party is so extreme that party itself becomes a despotism, or, if government itself becomes nothing but organized party, then the danger apprehended by Washington is upon us.

With the increase of population and wealth and power; with the spoils of office dependent upon the elections; with vast interests affected by legislation, as in the care and disposition of public property, the raising of public revenue, the grant or regulation of corporate powers and monopolistic combinations, the danger is that corruption, always insidious, always aggressive, and always dangerous to popular government, will control party machinery to effect its ends, tempt public men into accepting favors at its hands by taking office purchased by its influence, and flourish in rank luxuriance under the shelter of a system which confounds the honest and the patriotic with the cunning and the profligate. An intelligent public opinion ceases to exist when it can not assert itself, and great measures and great principles are lost when elections degenerate into the mere registration of the decrees of selfishness and greed.

Whenever party spirit becomes so intense as to compass such results it will have reached the height denounced by Washington, and will realize in the action it dictates the terrible definition of despotic government: "When the savages wish to eat fruit they cut down a tree and pluck the fruit."

However difficult it may be to fully appreciate the influence of great men upon the cause of civilization, it is impossible to overestimate that of Washington, thus exerted through precept as well as by example. In the general recognition of to-day of the effect of that which he did, that

which he said, that which he was, upon the public conscience, is found the justification of the confident claim that popular government under the form prescribed by the fundamental law has ceased to be an experiment. Neither foreign wars, nor attacks upon either of the co-ordinate departments, nor the irritation of a disputed national election, nor territorial aggrandizement, nor the addition of realm after realm to the empire of States, nor sectional controversies, nor the destruction of a great economical, social, and political institution, nor the shock of arms in internecine conflict, have impaired the structure of the Government or subverted the orderly rule of the people.

But the deliverance vouchsafed in time of tribulation is as earnestly to be sought in time of prosperity, when material acquisition may deaden the spiritual sense and impede the progress of human elevation.

In the growth of population; in the expansion of commerce, manufactures, and the useful arts; in progress in scientific discovery and invention; in the accumulation of wealth; in material advancement of every kind, the century has indeed been marvelous. Steam, electricity, gas, telegraphy, photography, have multiplied the instrumentalities for the exercise of human power. Science, philosophy, literature, and art have moved forward along the lines of prior achievement. But wants have multiplied as civilization has advanced, and with multiplied wants and the increased freedom of the individual have come the antagonisms inevitably incident to inequality of condition, even though there is widely extended improvement upon the whole, and often because of it, and added to them the more serious discontents arising from the existence, notwithstanding the immense results of stimulated production, of privation and distress.

The Declaration asserted political equality and the possession of the inalienable rights of life, liberty, and the pursuit of happiness, and the future of the individual was assumed

to be secured in securing through government that equality and those rights.

In spite of the violent overthrow of institutions in the French revolution, that great convulsion carried within it the same salutary principles, while a quickening outburst of spiritual energy marked the commencement of the industrial development of England, and all Europe glowed with the fires of sympathy with the wretched and oppressed.

Throughout the hundred years thus introduced aspiration for the elevation of humanity has not diminished in intensity, and hope of the general attainment of a more exalted plane has gained new strength in the effort to remove or mitigate the ills which have oppressed mankind. The enhanced valuation of human life, the abolition of slavery, the increase of benevolent and charitable institutions, the large public appropriations and private benefactions to the cause of education, the wide diffusion of intelligence, perceptible growth in religion, morality, and fraternal kindness encourage the effort and give solid ground for the hope. And since the protection and regulation of the rights of individuals, as between themselves and as between them and the community, ultimately come to express the will of the latter, it is not unreasonable to contend that the perfectibility of man is bound up in the preservation of republican institutions.

Where the pressure upon the masses has been intense, the drift has been towards increased interference by the State in the attempt to alleviate inequality of condition. So long as that interference is enabling and protective only to enable, and individual effort is not so circumscribed as to destroy the self-reliance of the people, they move onward with accelerated speed in intellectual and moral as well as material progress; but when man allows his beliefs, his family, his property, his labor, each of his acts, to be subjected to the omnipotence of the State, or is unmindful of the fact that it is the duty of the people to support the government

